

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Perri Fagin	Team: Squad #10	CCRB Case #: 201704898	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/05/2017 8:54 PM	Location of Incident: Intersection of Dean Street and Howard Avenue	Precinct: 73	18 Mo. SOL 11/5/2018	EO SOL 11/5/2018	
Date/Time CV Reported Thu, 06/15/2017 9:43 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 06/15/2017 9:43 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Oscar Nunez	03505	935412	073 PCT
2. POM Jeffrey Goris	17302	954887	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adaryll Stephens	8776	955533	073 PCT
2. SGT Junkao Zhang	05082	937788	073 PCT
3. POM Carlos Herrera	23317	952847	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jeffrey Goris	Force: Police Officer Jeffrey Goris used physical force against § 87(2)(b)	
B.SGT Oscar Nunez	Force: Sergeant Oscar Nunez used physical force against § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

### Case Summary

On June 15, 2017, § 87(2)(b) filed this complaint on-line with the CCRB on behalf of her § 87(2)(b) year-old son, § 87(2)(b) § 87(2)(b) did not witness this incident.

On May 5, 2017, in the vicinity of Dean Street and Howard Avenue in Brooklyn, § 87(2)(b) was arrested for assaulting a § 87(2)(b) a § 87(2)(b)-old male § 87(2)(b). Before he was apprehended, § 87(2)(b) ran from officers and was chased by Police Officer Jeffrey Goris of the 73<sup>rd</sup> Precinct. PO Goris allegedly forcibly took § 87(2)(b) to the ground before placing him into handcuffs (**Allegation A**). § 87(2)(b) was escorted to the backseat of a police vehicle, where he was allegedly punched in the face approximately five times by Sergeant Oscar Nunez of the 73<sup>rd</sup> Precinct, who allegedly stated, “That’s what you like to do to old people” (**Allegation B**).

§ 87(4-b) § 87(2)(g)

There was no available video footage of this incident.

This case exceeded 90 days due to delayed officer appearances and receipt of NYPD documents.

### Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation due to § 87(2)(b)'s arrest.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]
- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the New York City Comptroller’s Office (Board Review 03).

### Civilian and Officer CCRB Histories

- This is § 87(2)(b) first CCRB complaint (Board Review 04).
- This is § 87(2)(b)'s second CCRB complaint. § 87(2)(b)  
[REDACTED]
- PO Goris has been a member-of-service for four years and this is the first CCRB complaint filed against him.
- Sgt. Nunez has been a member-of-service for 13 years and has had two prior CCRB complaints filed against him involving 10 allegations. § 87(4-b) § 87(2)(g)  
[REDACTED] CCRB case 201604051 involves a force allegation against Sgt. Nunez, but it was closed as victim uncooperative. In the same case, the Board substantiated a frisk allegation as well as three stop allegations against Sgt. Nunez. The Board recommended Command Discipline A but the NYPD disposition remains unknown.

### **Findings and Recommendations**

#### **Allegation A -Force: Police Officer Jeffrey Goris used physical force against § 87(2)(b)**

#### **Allegation B -Force: Sergeant Oscar Nunez used physical force against § 87(2)(b)**

It is undisputed that, upon officers' arrival, § 87(2)(b) fled the scene, and PO Goris chased him. After he was apprehended, § 87(2)(b) was placed under arrest, escorted to a police vehicle, and transported to the 73<sup>rd</sup> Precinct stationhouse (Board Review 15).

§ 87(2)(b) testified that he ran into a park and, when PO Goris caught up with him, PO Goris grabbed his backpack and threw him to the ground, causing § 87(2)(b) to land on his stomach and hit the front of his face on the ground. § 87(2)(b) stated he sustained no injuries from the fall. § 87(2)(b) was handcuffed and escorted into the backseat of a police vehicle. Approximately one minute later, Sgt. Nunez opened the rear passenger door. Sgt. Nunez allegedly punched § 87(2)(b) on the left side of his lower lip approximately five times, and stated, "That's what you like to do to old people" (Board Review 06).

§ 87(2)(b) testified that he sustained no injuries from the forcible takedown, and sustained swelling in his lower lip from the punches. § 87(2)(b) reported that he did not obtain medical treatment for this injury.

In a brief phone statement, § 87(2)(b) stated that, after he was assaulted, he observed an officer chase a child who had assaulted him. § 87(2)(b) stated he could not see clearly, but the officer appeared to catch the child he was pursuing and then the child broke free and continued running. § 87(2)(b) could not see what happened when the officer caught the child, nor did he see what happened when the child was placed into the patrol car (Board Review 17).

Sgt. Junkao Zhang of the 73<sup>rd</sup> Precinct, who was listed as the interpreter for § 87(2)(b) did not recall this incident (Board Review 13).

PO Goris testified that he chased § 87(2)(b) into a park and, when § 87(2)(b) was approximately 10 feet into the park, he tripped and fell onto his stomach. PO Goris handcuffed § 87(2)(b) and escorted him to the backseat of a police vehicle. PO Goris denied conducting a forcible takedown of § 87(2)(b) and denied that § 87(2)(b)'s fall was a result of officers' actions. PO Goris did not know how long the police vehicle of which § 87(2)(b) was inside remained on the scene, but denied observing any officer interact with him while he was in the backseat. PO Goris denied observing any officer punch § 87(2)(b) in the face, or hearing any officer make the alleged accompanying statement (Board Review 07).

Sgt. Nunez testified that he and PO Goris chased § 87(2)(b) across the intersection, where § 87(2)(b) was cornered by the officers and a building. § 87(2)(b) stopped running and put his hands in the air, and PO Goris handcuffed him. Sgt. Nunez denied observing any officer take § 87(2)(b) to the ground, and denied observing § 87(2)(b) on the ground at any point. Sgt. Nunez and PO Goris escorted § 87(2)(b) to the backseat of a police vehicle where § 87(2)(b) remained for 10-15 minutes before being transported to the stationhouse. Sgt. Nunez did not recall what, if any, interaction he had with § 87(2)(b).

while he was in the police vehicle, but denied saying anything to § 87(2)(b) beyond obtaining his pedigree information. Sgt. Nunez denied punching § 87(2)(b) in the face or making the alleged accompanying statement (Board Review 08).

PO Carlos Herrera of the 73<sup>rd</sup> Precinct testified that § 87(2)(b) ran into the park and tripped on his own. PO Herrera did not see what, exactly caused § 87(2)(b) to fall, but testified that no officers were making physical contact with him when he fell. PO Herrera denied observing any officer interact with § 87(2)(b) while inside the police vehicle. PO Herrera did not observe any officer punch § 87(2)(b) or make the alleged accompanying statement (Board Review 09). PO Herrera noted this incident in his memo book, documenting the related radio run, that PO Herrera observed the assault, and that there was an arrest (Board Review 18).

At the 73<sup>rd</sup> Precinct stationhouse, PO Adaryll Stephens of the 73<sup>rd</sup> Precinct remained with § 87(2)(b) until § 87(2)(b) picked him up. PO Stephens, PO Goris, Sgt. Nunez, and PO Herrera denied observing any injuries on § 87(2)(b). In the command log, it was noted that § 87(2)(b) was released at 11:00 p.m. § 87(2)(b) picked § 87(2)(b) up from the stationhouse and, during a brief phone statement, § 87(2)(b) denied observing any injuries on him (Board Review 10) (Board Review 11) (Board Review 16).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)  
§ 87(4-b) § 87(2)(g)

Squad: 10

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date